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PR 93-61



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Norman Y. Mineta
U.S. House of Representatives
2221 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mineta:

This letter responds to your correspondence concerning the Commission's Notice of Proposed Rulemaking (Notice) in PR Docket No. 93-61, to develop regulations for Automatic Vehicle Monitoring (AVM) systems operating in the 902-928 MHz band. In your letter you note concern regarding the continued viability of Part 15 devices.

As you know, the Commission has the responsibility for ensuring spectrum use that best serves the public interest. This often requires striking a balance among competing uses. The Commission must not only evaluate tangible effects, but also the potential benefit particular uses present. Determining the most beneficial use demands merging technical, economic and legal disciplines and is as difficult as it is complex. Parties participating in the proceeding have represented wide and varied views, including wide-area AVM service providers, local-area AVM providers, manufacturers and users of Part 15 equipment, and Amateur operators. The review of the 902-928 MHz band reflects the Commission's endeavor not simply to accept the status quo, but to implement a structure that best meets the public interest.

The shared use of 902-928 Mhz frequency band by various groups makes this challenge even more difficult. The present priorities for access to this band that have been established among these groups is an important starting point. Users with lower priority generally must accept interference from and may not cause interference to users that have a higher priority. Specifically, the 902-928 MHz band is primarily allocated for use by the federal government for Radiolocation, Fixed and Mobile services, yet the federal government users must accept interference from Industrial, Scientific and Medical (ISM) devices. Following the federal government and ISM devices on the priority scale are AVM systems. Next are Amateur radio operators and then the Part 15 users that are eligible to operate in this band. As the lowest priority, Part 15 users are not permitted to cause interference to any of the other users.

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In the Part 15 area, the Commission is aware of the significant development in unlicensed devices. As you note, the range of new radio products serving the public and business and demonstrates significant investment and productivity gains. Part 15 products operate in numerous frequency bands throughout the radio spectrum. In the 902-928 MHz band alone, the Commission has authorized more than 20 different types of products for operation in this spectrum to more than 130 manufacturers. The Commission receives about 20 applications a month for approval of products in this part of the spectrum.

With regard to AVM, the current interim rules governing operations of AVM systems have been in place for 20 years. The Commission's record reflects that AVM systems have become the focus of increased investment opportunities. There is significant promise for enhancing public safety and convenience through its ability to track vehicles, collect tolls, determine traffic patterns and congestion, and reroute traffic. Moreover, AVM holds substantial promise of enhancing the efficiency and effectiveness for private sector transportation activities. Overall, advocates assert that beyond the substantial economic and safety benefits that will accrue, AVM will reduce commuter travel time and highway congestion, as well as decrease energy consumption and pollution.

One of the fundamental issues that must be confronted by the Commission is the level of interference that can be tolerated among and between the various users of this spectrum. Several parties argue that some of the planned AVM systems, primarily those that would be used to track vehicles with multilateration technology, rely on weak signals that are easily interfered with. The source of the interference is generally perceived to emanate from Part 15 devices as well as other AVM systems. Advocates on behalf of Part 15 devices express similar concerns regarding interference but more significantly regarding Part 15 devices' non-interference requirements and the continued viability to operate in the 902-928 MHz band. As you can understand, the advocacy on behalf of any one party tends to urge the primacy of that party's own interests, exclusive of others.

In this proceeding, the issues that must be resolved essentially revolve around whether accommodation is possible. Beyond comprehending the legitimate expectations of consumers and manufacturers of Part 15 devices as well as recognizing the potential of AVM, is the need to adopt permanent rules regarding this band. The ability to expand the use of the band while at the same time determining the degree to which different users can coexist requires

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insight into technological limitations as well as the economic costs at stake. The proficiency of the parties themselves to resolve interference is a significant element. In weighing the various options and issues, ranging from the degree of spectrum sharing to the means of assigning licenses, the Commission is sincerely committed to a structure that will best enhance competition and choice.

As the Commission seeks to move this matter to resolution, I appreciate very much receiving your letter. Your thoughts have been important to the Commission's evaluation. Please call upon me if I can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Hundt', with a large, sweeping flourish at the end.

Reed E. Hundt
Chairman

NORMAN Y. MINETA
MEMBER OF CONGRESS
15TH DISTRICT, CALIFORNIA

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Mr. Reed Hundt

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June 28, 1994

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Dear Chairman Hundt:

It has come to my attention that the FCC currently has before it a notice of proposed rule making (NPRM) which will affect Part 15 users of the 902-928MHz radio frequency band. Specifically, the Commission proposes to authorize a location and monitoring service (LMS) within the band which in turn could result in the shutdowns of several Part 15 devices. The proponents of the NPRM are a joint venture consisting of AirTouch, Inc., North American Teletrak, and Mobilvision, Inc. I want to make sure the rights of the Part 15 users are respected.

In the event of interference to LMS devices, the proponents of the LMS service would be in a position to shut down the interfering Part 15 devices. In fact, they would probably ask the FCC to help them do so.

I have several constituents in the Part 15 community that are convinced that this kind of location and monitoring service interference is unavoidable, and that FCC approval of a LMS would result in the unfair shutdowns of Part 15 devices.

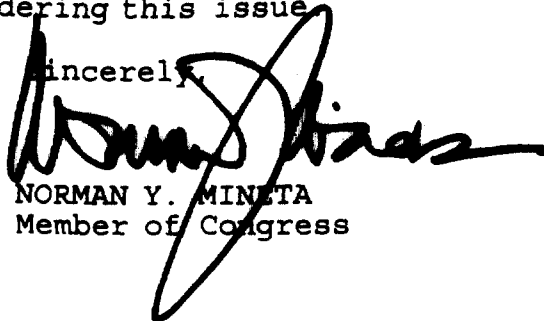
Specifically designed to avoid interference, there are more than 2 million Part 15 devices in use today. A growing number of these devices have been specifically designed to conserve the radio frequency spectrum, operating on very little power.

Part 15 applications range from medical devices to cordless telephones, and will increasingly provide interconnectivity to valuable services on the National Information Infrastructure -- at a low cost to consumers. I commend the FCC for pioneering and encouraging this innovative technology, which has spawned a growing number of jobs.

Accordingly, I would hope that the FCC would not endanger Part 15 users by approving the LMS notice, particularly if the interference flows from inadequacies in the design of the LMS technology. 20-year-old LMS technology is often not able to avoid interference from even the low-power devices of Part 15.

I believe forcing Part 15 users from their band would be unnecessary and unfair. I thank you in advance for keeping my concerns in mind while considering this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman Y. Mineta". The signature is stylized with a large, sweeping loop at the end.

NORMAN Y. MINETA
Member of Congress

NYM:jff